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Date of Signature and Deposit: October 18, 2002

Attorney of Record

Adam J. Zinn

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark A. Lucak, et al.
Serial No.: 09/843,563
Filed: April 26, 2001
For: Method for Fabricating a Microelectromechanical System (MEMS) Device Using a Pre-Patterned Substrate
Group Art Unit: 2812
Docket No.: 110003.97427

#5/11
PRE-Amend
Electron
JmCunille
10/30/02

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington DC 20231

Dear Sir:

Prior to the substantive examination of the above-captioned application, please amend the application as follows.

IN THE CLAIMS:

10/31/2002 JMCILLA 00000001 170055 09843563

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144.00 CN The following amended claims should be replaced for like numbered claims originally filed in the pending patent application, and the new claims should be added to the application. A version of the new and amended claims with markings to show changes made is attached to the end of this communication.

New Claims

1. (Once Amended) A method of fabricating a MEMS structure, comprising the steps of:

- (a) forming a recess in an upper surface of a substrate;

A1